

**REMARKS**

Claims 1-35 are currently pending in the above-referenced Application.

Claims 1-2, 4, 6-7, 9, 15-16, 18-19, 21, 24-27, 29-30 and 32-35 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,517,877 to Hancock ("Hancock").

Claims 3, 5, 8, 17 and 23 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hancock.

Claims 10-14, 20, 22, 28 and 31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hancock in view of U.S. Patent No. 6,322,103 to Li, *et al.* ("Li").

Finally, specification paragraph [0040] stands objected to for an informality. The Applicants are requesting entry of an amendment to paragraph [0040] to change "28" to 8, in accordance with the Examiner's helpful suggestion.

The Applicants have carefully reviewed the August 14, 2003 Final Office Action and respectfully submit the foregoing requested amendments and following remarks in response thereto.

**Proposed Amendment of Claims 1 and 25.**

The Applicants are proposing amendment of claims 1 and 25, solely for clarity, to read in a manner that makes unmistakable that the present invention's tubular jacket "is secured in use at a vehicle bodywork end of the tubular jacket on two rails" – *i.e.*, that the tubular jacket is secured *at its end*

(the end of the jacket toward the vehicle body). Claim 1 (Claim 25 amendment similar).

The Applicants respectfully submit that these proposed amendments do not alter the scope of the claims, but are a mere explicit recitation of scope inherently recited in the original claim language. The Applicants further submit that because there is no change in claim scope, no new issue would be raised by entry of these amendments and that no additional search should be necessitated, as the Examiner has already performed the necessary search on the original claim scope. In this regard, the Applicants respectfully draw the Examiner's attention to a comparison of the original claim language:

“the tubular jacket is secured in use at a vehicle bodywork end on two rails”

vs.

“the tubular jacket is secured in use at a vehicle bodywork end of the tubular jacket on two rails”

In both versions of this language, the claim refers to a jacket secured in use “at a vehicle bodywork end.” There should be no question that the phrase “at a vehicle bodywork end” in the original claim referred to an end of the tubular jacket (a silent reference made explicit by the requested amendment “of the tubular jacket”) -- there simply is no element other than the tubular jacket in the claims to which the phrase “at a vehicle bodywork end” can apply. Accordingly, the Examiner's original search would necessarily be just as complete with respect to the amended claims, and thus no further search would be required.

**The Claims Are Patentable Over Hancock Under §§ 102 and 103.**

The Applicants respectfully traverse the rejections of the claims as anticipated by, or unpatentable over Hancock and/or Li, on the grounds that Hancock does not disclose or suggest all the features for which it is cited.

The Final Office Action states that Hancock discloses a tubular jacket “wherein the tubular jacket [#4] is secured in use at a vehicle bodywork end (via #6, 15) on two rails (side walls of #8 ... .” August 14, 2003 Final Office Action at 2. Review of Hancock reveals, however, that Hancock outer shaft 4 (identified as the tubular jacket) is actually mounted via mounting blocks 15 to upper mounting means 6 *at the center of tube 4* – not at its end (let alone “at a vehicle bodywork end”). *See, e.g.*, Hancock Figs. 1, 5, 6. Because Hancock fails to disclose or suggest the present independent claim limitations wherein the tubular jacket “is secured in use at a vehicle bodywork end,” this reference neither anticipates claims 1-2, 4, 6-7, 9, 15-16, 18-19, 21, 24-27, 29-30 and 32-35 under § 102(b) or renders claims 3, 5, 8, 17 and 23 unpatentable under § 103(a).

As to the remaining rejection, the Li reference does not cure Hancock’s defects, as it neither teaches or suggests the features missing from Hancock. Like Hancock, Li also teaches an energy-absorbing mount located *along the side* of a tubular jacket, not at a vehicle bodywork end. Li at 2:46-3:6, Fig. 1 (steering shaft 14 rotably mounted in housing 12; variable energy absorber 28 located the side of housing 12). Because the combination of Hancock and Li therefore also fails to teach or suggest all the features of the present invention, claims 10-14, 20, 22, 28 and 31 are patentable over these references under § 103(a).

Conclusion

In view of the foregoing, the Applicants respectfully request entry of the foregoing requested amendments to claims 1 and 25, reconsideration and withdrawal of the pending rejections over Hancock under §§ 102(b) and 103(a), and issuance of a Notice of Allowance for Claims 1-35.

If there are any questions regarding this proposed amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/50523).

Respectfully submitted,

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